<u>REMARKS</u>

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-6 remain pending, claims 1, 3, and 5 being independent.

Prior Art Rejections

Claims 1, 3, and 5 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Kobori et al.* (U.S. Patent 5,109,281) in view of *Kado et al.* (U.S. Patent 5,410,609). Claims 2, 4, and 6 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Kobori* and *Kado* in view of *Tabata et al.* (U.S. Patent 4,618,991). These rejections are respectfully traversed.

Initially, Applicant directs the Examiner's attention to the arguments presented in the After Final Reply dated July 21, 2003, such arguments being incorporated herein by reference in their entirety for the sake of conciseness. Although the Examiner has indicated in the Advisory Action dated July 31, 2003 that such arguments have not placed the application in condition for allowance, Applicant respectfully requests that the Examiner reconsider these arguments. In particular, Applicant maintains that the asserted grounds of rejection fails to establish *prima facie* obviousness at least for the following reasons.

Independent claim 1 is directed to an image processing method for obtaining a layout image signal representing a layout image in

which a plurality of "person images" are arranged. The image processing method of claim 1 obtains the layout image signal from a plurality of original image signals, each representing an image of a person in which a face pattern of the person is embedded. The image processing method of claim 1 (as amended February 14, 2003) comprises the steps of: i) detecting face information from each of the original image signals, the face information representing a position and/or a size of the face pattern of the person in the person image represented by each original image signal, ii) performing a pattern matching process for each face pattern represented by the detected face information to calculate an amount of displacement and/or size difference thereof from a normalized value, iii) performing a face pattern normalizing process on each of the original image signals based on the detected face information and the calculated amount of displacement and/or size difference, a plurality of normalized image signals being obtained from the face pattern normalizing process, and iv) laying out a plurality of images, which are represented by the normalized image signals, in a predetermined layout, whereby the layout image signal representing the thus formed layout image is obtained.

According to a disclosed embodiment on which independent claim 1 reads, face information detected from an original image signal is compared to a reference image, with predetermined center

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coordinates, a dimension v in the vertical direction, and a dimension h in the horizontal direction. A face pattern, its center coordinates, its horizontal dimension h and its vertical dimension v are detected in an image represented by the original image signal and a pattern matching unit 8 determines the amount of displacement and/or resizing necessary to normalize the face pattern in the image. A normalizing unit 3 performs a transformation of the original image to obtain a normalized image signal S1 based on the output of the pattern matching unit 8. (See p. 9, line 4 - p. 10, line 1 of the specification). Using pattern matching, the present invention is able to determine the amount of displacement and/or resizing necessary to obtain a desirable layout image without relying on a trial and error approach.

Kobori discloses a video printer arrangement in which a video camera (signal source 1) is positioned relative to an object so that the object is centered relative to the camera. After the object image is taken and stored in memory, a monitor 15 is used to check the position, brightness, and contrast of the object. If the result of this monitoring step is unsatisfactory, the imaging conditions, including positioning of the video camera, are readjusted until a satisfactory image is generated. Col. 4, lines 56-57. Accordingly, the video printer of *Kobori* relies on trial and error for object positioning in an image.

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Despite this deficiency of *Kobori*, the Examiner relies on the secondary reference, *Kado*, as allegedly suggesting a modification of *Kobori* to perform a face pattern normalizing process in accordance with the results of pattern matching. The secondary reference, *Kado*, discloses a system for identifying individuals in images and discloses the use of normalization to improve the accuracy of subsequent steps of extracting characteristics from an input image and comparison with characteristic points of facial images stored in a database.

To establish *prima facie* obviousness, all claim limitations must be taught or suggested by the prior art and the asserted modification or combination of prior art must be supported by some teaching, suggestion, or motivation in the applied reference or in knowledge generally available to one skilled in the art. *In re Fine*, 837, F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). The prior art must suggest the desirability of the modification in order to establish a *prima facie* case of obviousness. *In re Brouwer*, 77 F.3d 422, 425, 37 USPQ2d 1663, 1666 (Fed. Cir. 1995). It can also be said that the prior art must collectively suggest or point to the claimed invention to support a finding of obviousness. *In re Hedges*, 783 F.2d 1038, 1041, 228 USPQ 685, 687 (Fed. Cir. 1986); *In re Ehrreich*, 590 F.2d 902, 908-09, 200 USPQ 504, 510 (CCPA 1979). The

issue of whether there is motivation to modify a reference must be based on the objective evidence of record, not subjective belief or unknown authority. *In re Lee*, 61 USPQ2d 1430 (Fed. Cir. 2002).

In this case, there is no suggestion in the prior art or knowledge generally available to one of ordinary skill in the art to incorporate the asserted features of *Kado* in *Kobori*. More specifically, there is no evidence of record that suggests incorporating features of the identification system of *Kado* in the video printer of *Kobori*. Instead, it appears that the asserted rejection relies on improper hindsight reasoning.

At least for these reasons, Applicant respectfully submits that the asserted grounds of rejection fails to establish *prima facie* obviousness of independent claim 1. Furthermore, Applicant submits that the rejection fails to establish *prima facie* obviousness of independent claims 3 and 5 based on similar reasoning. Furthermore, the Examiner's reliance on the additional secondary reference, *Tabata*, fails to make up for the deficiencies of the applied *Kobori-Kado* combination. Therefore, the asserted combination of *Kobori*, *Kado*, and *Tabata* (assuming these references may be combined, which Applicant does not admit) fails to establish *prima facie* obviousness of any pending claim.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejections under 35 U.S.C. § 103.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.
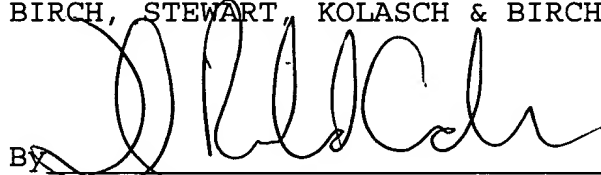
Applicant respectfully petitions for a one (1) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the amount of $110.00 in payment of the extension of time fee is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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